



## UNITED STATES PATENT AND TRADEMARK OFFICE

### Facsimile Transmission

To:	Name:	John P. Wagner, Jr.
	Company:	
	Fax Number:	8317222350
	Voice Phone:	
From:	Name:	Christopher Biagini
	Voice Phone:	571-272-9743

**37 C.F.R. 1.6** sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

#### Fax Notes:

---

Mr. Wagner,

Attached is a proposed amendment to bring Application No. 09/299,684 into condition for allowance. The amendment would overcome the art of record, at least because although the Daneels reference modifies a "fraction" of the access requests (i.e., all of the access requests, which is a "fraction" in light of the instant specification), it does not vary the fraction in the manner proposed.

The amendment also corrects issues with respect to antecedent basis; obviates issues with respect to 35 USC 101; obviates issues of

---

Date and time of transmission: Tuesday, September 20, 2011 5:55:46 PM  
Number of pages including this cover sheet: 04

---

**PROPOSED EXAMINER'S AMENDMENT – 09/299,684**

1. (Currently Amended) A data service system in a data service network system, comprising:

a content server that statically stores a plurality of content files for access by external access requests, wherein a first of said plurality of content files comprises content stored in a full content format and wherein a second of said plurality of content files comprises corresponding content stored in an adapted content format which is less resource-intensive to serve than the full content format, wherein the content server comprises a computer; and

[[an]] adaptive load control system software coupled to said content server to pass the access requests to said content server, wherein the adaptive load control system software modifies an access request address to access said second of said plurality of content files instead of said first of said plurality of content files by modifying a URL (Universal resource Locator) of the access request address when said content server is in an overload condition such that said content server is maintained at safe load conditions, said adaptive load control system software comprising:

[[a]] load monitor software that monitors [[the]] a load condition of said content server without requiring monitoring of [[the]] a network, said load monitor software establishing the load condition of said content server by measuring an amount of time between when said content server receives [[the]] an external access request and when said content server provides a response to the external access request; [[and]]

[[a]] software implementing a control and feedback loop configured for self-regulating partial degradation such that a fraction of said external access requests ~~addresses~~ are modified to access said second of said plurality of content files when said content server is in said overload condition[.]; and

controller software that determines a difference between the load condition monitored by the load monitor software and a desired load condition and, based on the difference, varies the fraction of said external access requests between all, some, and none of said external access requests, thereby adjusting the load condition of the content server toward the desired load condition.

2. (Currently Amended) The data service system of Claim 1, wherein said ~~[[the]]~~ adaptive load control system software modifies the access request address to access said first of said plurality of content files to access the content in the full content format instead of in the adapted format when said content server is not in the overload condition.

3-7. (Cancelled)

8. (Currently Amended) The data service system of Claim 1, wherein for each of said plurality of content files, said content server includes a service directory that directs ~~[[the]]~~ a modified access request ~~address~~ to access said first of said plurality of content files ~~[[and]]~~ or said second of said plurality of content files.

9. (Currently Amended) In a data service system of a data access network system having a content server that statically stores a plurality of content files for access by external access requests, a method of maintaining the content server at safe load conditions, comprising:

determining a load condition of said content server without requiring determining load conditions of a network when the data service system receives an access request address to access of a first of said plurality of content files statically stored in said content server comprising content stored in a full content format, wherein said determining of said load condition of said content server comprises measuring an amount of time between when said content server receives ~~[[the]]~~ an external access request and when said content server provides a response to the external access request; ~~[[and]]~~

if said content server is determined to be in an overload condition, then modifying the access request address to access a second of said plurality of content files statically stored in said server and comprising corresponding content in an adapted content format instead of in the full content format by modifying a URL (Universal resource Locator) of the access request address, and wherein the adapted content format is less resource-intensive to serve than the content in the full content format such that the content server is maintained at the safe load conditions~~[[, and]]~~;

implementing a control and feedback loop providing self-regulating partial degradation such that a fraction of said external access requests ~~addresses~~ are modified to access said second of said plurality of content files when said content server is in said overload condition~~[[.]]~~;

determining a difference between the load condition and a desired load condition and, based on the difference, varying the fraction of said external access requests between all, some, and none of said external access requests, thereby adjusting the load condition of said content server toward the desired load condition.

10. (Currently Amended) The method of Claim 9, further comprising modifying the access request address to access said first of said plurality of content files statically stored in said content server instead of said second of said plurality of content files statically stored in said content server ~~format~~ when said content server is determined not to be in the overload condition.

11-14. (Cancelled)

15. (Currently Amended) The method of Claim 9, wherein ~~[[the]]~~ determining the load condition of said content server is performed either within said content server or external to said content server.